

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN KOON,

Petitioner, No. CIV S-09-3053 EFB P

VS.

CHAVEZ,

Respondent. ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. See 28

17 U.S.C. § 2254. He seeks leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915. However,
18 petitioner has commenced this action in the wrong district.

19 Petitioner was convicted in the Riverside County Superior Court, but is confined in
20 Jamestown, California. Although this court and the United States District Court in the district
21 where petitioner was convicted both have jurisdiction, *see Braden v. 30th Judicial Circuit Court*,
22 410 U.S. 484, 499-500 (1973), witnesses and evidence necessary for the resolution of
23 petitioner's application are more readily available in the county of conviction, *Id.* at 499 n. 15;
24 28 U.S.C. § 2241(d).

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1 Therefore, the court takes no action on petitioner's application to proceed *in forma*
2 *pauperis*, and transfers this action to the United States District Court for the Central District of
3 California. 28 U.S.C. §§ 84(c); 1404(a).

4 Accordingly, it is ORDERED that this action is transferred to the United States District
5 Court for the Central District of California.

6 | DATED: November 10, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE